

SN 09/488,229

REMARKS**I. PRELIMINARY REMARKS**

Currently, claims 1-47 are pending in the application. Claims 8, 20, 21, 26, 27, 34, 40, 41, 46 and 47 are withdrawn due to an election of species requirement. It is noted that these claims may be allowed if they are deemed to read on species dependent to an allowed generic claim.

Claims 1 and 32 are amended to correct an antecedent basis error by replacing "stent elements" with "structural elements" in the next-to-last line of each of these claims. Both of these claims are also amended to specify that the means for anchoring the stent to the body conduit is a protruding means. Basis is at, for example, p. 6, line 27 to p. 7, line 12, and p. 8, lines 11-16.

II. APPLICANTS' INVENTION

The present invention relates to an implantable endoprosthesis for the internal support of a body conduit. The endoprosthesis includes a stent component that is expandable from a small, compacted diameter useful for transport of the device through the body conduit to the intended site of implantation, to a larger diameter at which it provided the desired internal support for the body structure. The stent may be self expanding or balloon expandable, and is intended to foreshorten less than about 10 percent during diametrical expansion. The stent is provided with a covering material that covers the interstices between adjacent elements of the stent; covering is substantially liquid impermeable. The endoprosthesis further includes one or more elements of the stent that provide means for anchoring the device to the body conduit. The claims are amended herein to further specify that the stent provides protruding means for anchoring the device to a body conduit.

III. REJECTION OF CLAIM 15 UNDER 35 USC 112, SECOND PARAGRAPH.

The Examiner states that claim 15 lacks antecedent basis for the limitation "the thermoplastic fluoropolymer" in line 1. The claim specifies that "... the thermoplastic fluoropolymer is fluorinated ethylene propylene." Applicants would point out that this claim was included in the application as originally filed and therefore provides its own antecedent basis. Further, the phrase in question is also quite clear to anyone reading the claim in that fluorinated ethylene propylene (recited in the specification) is well understood to be a thermoplastic fluoropolymer.

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IV. REJECTION OF CLAIMS 32-33 AND 36-39 UNDER 35 USC 102(e) AS ANTICIPATED BY LEOPOLD et al., US 6,352,561.

Claim 32 is amended herein to specify that the stent structural elements provide protruding means for anchoring the stent to a body conduit. Leopold et al. do not teach or suggest the use of any protruding means for anchoring such as taught by the present invention. Accordingly, claim 32, and claims 33 and 36-39, all of which depend from claim 32, are not anticipated by Leopold et al.

V. REJECTION OF CLAIMS 1-7, 9-12, 13-19, 22-24 AND 35 UNDER 35 USC 103(a) AS UNPATENTABLE OVER LEOPOLD et al., US 6,352,561 IN VIEW OF LAU et al., US 5,735,893, AND DECLARATION NECESSARY TO OVERCOME THE REJECTION.

The Examiner notes that Leopold et al. is commonly assigned with the instant application, and constitutes prior art only under 35 USC 102(e). He adds that, for applications filed on or after November 29, 1999, this obviousness rejection may be overcome by showing that the subject matter of the reference and the claimed invention, were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person (per MPEP 706.02(I)(1) and 706.02(I)(2)). The present application was filed on Jan. 20, 2000.

Accordingly, it is stated herein that the present application, Serial No. 09/488,229, and US Patent 6,352,561 to Leopold et al., were, at the time the invention of application Serial No. 09/488,229 was made, owned by W.L. Gore & Associates.

CONCLUSION

The applicants believe that their claims as amended are in good and proper form and are patentable over the cited art. As such, the applicants respectfully request reconsideration, allowance of the claims and passage of the case to issuance.

Respectfully Submitted,

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Date: 30 JUNE 2004